IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.M.No.12787-M of 2007

Date of Decision: 3.5.2007

Ram Juwari and another ...Petitioners

Versus

State of Haryana ...Respondent

CORAM HON'BLE MR. JUSTICE S. D. ANAND

PRESENT: Mr.UK Agnihotri, Advocate for the petitioners.

Mr.SS Mor, Senior DAG Haryana.

JUDGMENT

In case FIR No. 431 dated 8.9.2006, under Sections 365/342/323/506/34 of the Indian Penal Code, interim bail had been granted to the petitioners vide order dated 1.3.2007 by this Court (Hon'ble Ms.Nirmal Yadav, J).

Learned counsel for the petitioners argues that since the petitioners have already joined investigation, the interim order dated 1.3.2007 should be made absolute.

Learned Senior Deputy Advocate General, appearing on behalf of the State of Haryana, argues that the petitioners were able to obtain interim order on 1.3.2007 by making a presentation as if the present was an injury case.

The petitioners had, learned counsel for the respondent proceeded to argue, concealed the true facts from the Court.

I have heard learned counsel for the petitioners, learned State counsel and have carefully gone through the records of the case.

The prosecution allegations, as apparent from the FIR, are as under:

On 6.9.2006, Major Singh, first informant had been to Government School, Khera Khemawati in order to drop his son Salinder Singh who was to appear in an examination over there. At that point of time, Major Singh, his son and Balkar Singh (a cousin of Major Singh) travelled by a motor-cycle. At about 10.00 A.M. Salinder Singh entered the school premises. Major Singh and Balkar Singh were standing near the school. In the meantime, a jeep bearing registration No. HR-40A-3313 and belonging to Safidon Khansar Chowk Liquor vend contractors came over there. Angrej Singh, Azad Singh and Naresh (non-petitioners) alighted from the Jeep; while petitioner Ram Juwari continued to stay on the driving seat. Non-petitioner Angrej Singh held out a threat that he would teach a lesson to Major Singh for selling liquor unauthorisedly. Thereupon, Angrej Singh, Azad Singh and Naresh forcibly put Major Singh in the Jeep which was driven by petitioner Ram Juwari. The occurrence was witnessed by Balkar Singh. Major Singh was first taken to the office of the non-petitioners – accused at Safidon. There, Angrej Singh and Azad Singh (who wielded sticks and non-petitioner Naresh and Ram Juwari who wielded iron rods) caused injuries to Major Singh on the various parts of the body. He became unconscious on account of the injuries aforementioned. Thereafter, Major Singh was kept confined in a room. In the

evening, Major Singh was taken by the petitioner and non-petitioners by that very Jeep to liquor vend Urlana Kalan. There also, foursome aforementioned along with some other non-petitioners – accused (but otherwise liquor contractors of Urlana Kalan) belaboured him and, then, left him near the liquor vend. While leaving him over there, they held out a threat that if Major Singh again sells liquor, he would be done to death by them. During night, Balkar Singh and father of Major Singh came over there and got him admitted in a Hospital at Safidon.

As would be evident from a perusal of the above quoted contents of the FIR, the prosecution allegations pertain to kidnapping and wrongful confinement which were not at all presented by the petitioners before this Court at the time of hearing on 1.3.2007.

In the light of the above facts, it is evident that the petitioners do not deserve the grant of anticipatory bail. The anticipatory bail plea shall stand rejected.

(S. D. ANAND)
JUDGE

May 3, 2007
SRM